

# The Ontario Housing Act, 1919

## CHAPTER 54.

### An Act to provide for the Erection of Dwelling Houses.

*Assented to 24th April, 1919.*

**W**HEREAS the Government of the Dominion of Canada <sup>Preamble.</sup> has made provision for lending money for twenty years with interest at the rate of 5 per cent. per annum to the Provinces of Canada for the purpose of promoting the erection of dwelling houses; and whereas the Province of Ontario desires to borrow from the Dominion of Canada a portion of the fund for the purpose of lending the same to municipal corporations to promote the erection of dwelling houses throughout Ontario; and whereas the Province of Ontario also desires to borrow from any person such further sums as may be deemed necessary for the purposes of this Act;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Ontario Housing Act*, <sup>Short title.</sup> 1919.

**2.** This Act shall apply to any local municipality the council of which passes a by-law declaring that it shall apply. <sup>Application of Act.</sup>

**3.** In this Act,—

<sup>Interpre-  
tation.</sup>

(a) “Commission” shall mean a Housing Commission <sup>“Commis-  
sion.”</sup> appointed by a municipal corporation for the purposes of this Act;

(b) “Company” shall mean a company incorporated <sup>“Company.”</sup> under *The Housing Accommodation Act*; <sup>Rev. Stat.,  
c. 220.</sup>

(c) “Director” shall mean the Director of the Bureau <sup>“Director.”</sup> of Municipal Affairs, or such other person or body as may be designated by the Lieutenant-Governor in Council;

(d)

**"House."**

(d) "House" shall include all necessary improvements and conveniences.

Power to  
borrow  
from the  
Dominion.

4. The Lieutenant-Governor in Council, for the purposes of this Act, other than loans to farmers as provided by section 13, may from time to time borrow from the Dominion of Canada such sum of money as the Dominion of Canada may be willing to lend to it, payable within a period not exceeding twenty years from the date of the loan, and bearing interest at the rate of 5 per cent. per annum, payable half-yearly.

Power to  
borrow  
from any  
person.

5.—(1) The Lieutenant-Governor in Council, for the purposes of this Act, may also from time to time borrow from any person other than the Dominion of Canada such further sums of money as he may deem necessary.

(2) The money so borrowed shall be payable within a period not exceeding twenty years, and shall bear interest at such rate as may be fixed by the Lieutenant-Governor in Council.

Money  
borrowed  
to form  
part of  
Consolidated  
Revenue  
Fund.

6. The money borrowed under sections 4 and 5 shall be charged upon the Consolidated Revenue Fund of Ontario, and shall be paid into and form part of that fund.

Loans by  
Province  
to municipal  
corporation.

7. The Lieutenant-Governor in Council may from time to time lend to a municipal corporation the full cost of the land acquired and the houses erected by its commission under the provisions of this Act, as fixed and determined by the director, and all money required to enable its commission to make the loans provided for by sections 12 and 13 and payment on account of the cost of such houses and on account of such loans shall be made by the province to the corporation from time to time during the progress of the work on estimates furnished by the commission to and approved by the director.

Restriction  
on money  
borrowed  
from  
Dominion.

8. No part of the money borrowed from the Dominion of Canada shall be applied in making loans to farmers, provided for by section 13.

Power of  
municipal  
corporations  
to borrow  
without  
assent of  
electors.

9.—(1) A municipal corporation, for the purposes of this Act may, without obtaining the assent of the electors, pass by-laws from time to time for borrowing from the Province of Ontario such money as the director may approve of, and may issue debentures for the payment of the money borrowed.

Limit of  
borrowing  
powers not  
affected.

(2) Any money borrowed by a municipal corporation under the provisions of this Act shall not be counted in ascertaining whether the limit of its borrowing powers has been reached under any general or special Act.

**10.**—(1) The council shall, by the by-law declaring that this Act shall apply or by another by-law forthwith appoint a commission to be known as the Housing Commission of the (*naming the municipality*) for the purpose of carrying out the provisions of this Act.

(2) Such commission shall be a body corporate and shall be composed of the head of the council for the time being and two or four persons resident in the municipality who are not members of the council.

(3) The members of the commission, other than the head of the council, shall hold office for two years and until their successors are appointed, except that in making the first appointment the council shall designate one of the two members or two of the four members, as the case may be, who shall hold office for one year.

(4) In a city having a population of not less than 100,000 the commission may be composed of five persons resident in the municipality who are not members of the council, who shall hold office for five years and until their successors are appointed except that in making the first appointment the council shall designate one who shall hold office for one year, one who shall hold office for two years, one who shall hold office for three years, one who shall hold office for four years and one who shall hold office for five years.

(5) In the case of a vacancy in the office of a member before the expiration of his term, the council shall appoint a person to fill the vacancy for the unexpired term.

(6) The members of the commission may be paid such salary or other remuneration as the council may think proper and shall be eligible for re-appointment.

(7) The commission shall elect a chairman and a vice-chairman, who shall preside at all meetings of the commission in the absence of the chairman.

(8) The commission shall have a corporate seal and all agreements of sale, conveyances and other documents shall be executed by the chairman, or vice-chairman and by the secretary under the corporate seal, but where by oversight the seal has not been affixed, it may be affixed at any time afterwards, and, when so affixed the agreement of sale, conveyance or other document shall be as valid and effectual as if it had been originally sealed.

Municipal  
officers to  
perform  
duties.

(9) The clerk, assessment commissioner, assessor, treasurer, architect, engineer and other officers of the municipality shall, at the request of the commission, do and perform all such duties under this Act as they would do and perform for the council in the like case if the carrying out of the provisions of this Act had been conferred on the council.

Payment  
out of  
money by  
treasurer.

(10) The money borrowed from the province by the corporation shall be paid out by the treasurer of the corporation on the certificate or order of the commission.

Separate  
Accounts.

(11) The treasurer shall keep separate accounts of all money borrowed by the corporation or loaned by the commission.

Limit of  
powers of  
commission.

(12) The council may, by the by-law appointing the commission, or by another by-law, with the approval of the director, limit the powers of the commission to any one or more of the purposes set out in sections 11, 12 and 13.

Erection of  
dwelling  
houses for  
certain  
persons.

**11.—**(1) A commission may erect on land acquired by it, within the limits of the municipality, and any company may erect on land acquired by it in any municipality to which this Act applies, dwelling-houses of a class suitable for the accommodation of persons who have been on active service during the present war with the naval or military forces of Great Britain or her allies, and who are residents of Ontario, and working men and working women and men and women of moderate means.

Limit of  
cost.

(2) Except as provided by subsection 3, the cost of any house shall not exceed \$2,500 and the cost of the house and the land on which it is erected shall not exceed \$3,000.

When  
limit  
may be  
exceeded.

(3) In particular cases or in any particular municipality, with the approval of the director, the cost of a house may exceed \$2,500, but shall not exceed \$3,000, and the cost of a house and the land on which it is erected may exceed \$3,000 but shall not exceed \$3,600.

Loans by  
commission.

**12.—**(1) A commission may, with the approval of the director, make loans for the purposes of this Act, to

To com-  
panies.

(a) A company for not more than 85 per cent. of the actual value of the land and houses as determined by the director;

To private  
persons  
owning  
land.

(b) A private person who desires to erect a house for his own occupation on land owned by him to the full cost of the house and the limitations contained in subsections 2 and 3 of section 11 shall not apply so far as the value of the land is concerned;

- (c) A private person who desires to erect a house for his own occupation on land owned by the commission to the full cost of the house if he pays in cash the value of the land or 10 per cent. of the value of the land and of the cost of the house or gives security approved of by the commission and the director for such payment in cash; To other private persons.
- (d) A person who has been on active service during the present war with the naval or military forces of Great Britain or her Allies, if he resides in the municipality and did so reside at the time of his enlistment, and, where he has died, his widow and his father or widowed mother, if they reside in the municipality, and who desires to erect a house for his or her own occupation on land owned by the commission, to the full cost of the house. To soldiers who have been on active service.

(2) The commission may, if it thinks proper, require any person to furnish any security, or make any payment or comply with any condition in addition to those set out in subsection 1.

**13.**—(1) The Lieutenant-Governor in Council, on the recommendation of the director and a commission with the approval of the director may make loans to a farmer who desires to erect a dwelling-house on his farm for the occupation of any married son and of any married man employed by him as a farmer, to the full value of the house. Loans by province and commission to farmers.

(2) The provisions of this Act respecting loans by a commission shall apply, *mutatis mutandis*, to a loan made under subsection 1, except that a mortgage on the farm or part of it may, with the approval of the director, be taken as security for the loan. Application of other provisions of Act.

**14.**—(1) No loan made by a commission shall be made upon any land or house not situate within the municipality for which the commission is appointed. Loans by commission limited to land in municipality.

(2) Payments on account of such loans shall be made to the company or person by the commission from time to time during the progress of the work on estimates furnished to and approved by the commission. Payments on account.

(3) A person to whom a loan is made shall become a purchaser from the commission under an agreement of sale for the amount of the loan in the case of an owner and for the amount of the loan and value of the land in other cases, Borrower to become a purchaser under agreement of sale.

and

and for that purpose the owner shall convey to the commission such part of his land as may be required by the commission.

Approval of building scheme, etc., by director.

**15.** The building scheme of a commission or company, including the location of the land, the laying out of it and the subdivision of it into lots, the position of the houses to be erected on it and the plans and specifications of them shall be subject to the approval of the director.

Persons to whom houses may be sold and conditions.

**16.—(1)** Houses erected by a commission or a company may be sold by it to any person mentioned in section 11, and the same shall be sold under an agreement, the form of which shall be approved by the director and which shall provide, among other things, for—

Monthly payments.

(a) Payment of an amount in each month, estimated by the director as sufficient to pay the purchase money and interest thereon at the rate of 5 per cent. per annum at the end of twenty years from the date of sale;

Interest on arrears.

(b) Payment of interest on arrears at the rate of 5 per cent. per annum;

Payment of whole purchase money.

(c) Payment at the option of the purchaser of the whole or any part of the purchase money at any time during the term of the agreement;

Cancellation of agreements.

(d) Power to cancel the agreement on default being made in any payment if the default continues for three months;

Assignment of agreement.

(e) Right of the purchaser before default and with the consent of the commission or company, or of the director, to assign the agreement;

and the agreement shall contain covenants by the purchaser to keep the house in repair and to pay taxes, local improvement rates and insurance.

Director to provide forms of agreement of sale.

(2) The director shall cause to be printed and sent to any commission or company, on request, a sufficient number of blank forms of agreement of sale for its use, and no charge shall be made against a purchaser for the completion and execution of them.

Application of Rev. Stat., c. 124, s. 48.

(3) The provisions of section 48 of *The Registry Act* as to the registration of mortgages endorsed “not to be recorded in full,” shall apply, *mutatis mutandis*, to agreements for sale made under this Act.



**17.** All houses sold by a commission or company shall be sold at actual cost as determined by the director.

Sales to be at actual cost with added percentage in case of company.

**18.—(1)** A house erected or purchased under the provisions of this Act shall not be rented or leased by a commission or company except with the approval of the director or by a purchaser or a person who has built it out of money borrowed from a commission, except with the approval of the commission or company as the case may be, and of the director, and any lease, agreement for lease or to rent made without such approval shall be null and void.

Prohibition against renting except with lease of director.

(2) This section shall not apply where the purchase money or the loan has been paid in full.

**19.—(1)** For the purpose of enforcing payment of the monthly instalments due under an agreement of sale, and of entering into possession after default, a commission or company shall have all the remedies which a landlord has against a tenant under *The Landlord and Tenant Act*, and the purchaser shall be deemed a tenant to the commission or company.

Enforcing payment of monthly instalment.

Rev. Stat., c. 155.

(2) Where default has been made in any payment under an agreement of sale, and the default continues for three months and the purchaser refuses to give up possession to the commission or company, the director, on the application of the commission or company, may, by order, authorize and require any constable, with such assistance as he may need, to enter on and take possession of the premises for and on behalf of the commission or company.

Provision for taking forcible possession.

**20.—(1)** A loan made by the province to a municipal corporation shall be repaid within a period not exceeding twenty years from its date and shall bear interest at the rate of 5 per cent. per annum.

Repayments of loans to municipal corporations.

(2) Such loan shall be repaid in equal monthly instalments by the commission to the Treasurer of Ontario, commencing one month after a date fixed by the director, and shall be of the same amount as is required to be paid by a purchaser from the commission under an agreement of sale and interest at the rate of 5 per cent. per annum shall be charged and payable on all monthly instalments in arrear.

Equal monthly instalments.

(3) As collateral security for the payment of the loan the corporation shall issue and deposit with the Treasurer of Ontario its debentures for the amount of the loan payable within a period not exceeding twenty years, and bearing interest at the rate of 5 per cent. per annum, payable yearly.

Debentures as collateral security.

and

and if the commission makes default in payment of any monthly instalment, the Treasurer of Ontario may sell or otherwise dispose of so much of such debentures as may be necessary to pay the instalment.

Case of  
payments  
in excess  
of monthly  
instalments.

(4) Where a company or person pays to the commission any amount in excess of the monthly instalments, the excess shall be forthwith paid to the Treasurer of Ontario and be applied in payment of the loan made to the corporation.

Separate  
accounts.

(5) A separate account shall be kept of any money borrowed to make loans to farmers, as provided by section 13.

Repayment  
of loans to  
companies.

**21.—**(1) A loan made to a company shall bear interest at the rate of 5 per cent. per annum, and shall be repaid to the commission during a period not exceeding twenty years in equal monthly instalments, commencing one month after a date fixed by the director, and shall be of the same amount as is required to be paid to the company by a purchaser under an agreement for sale and interest at the rate of 5 per cent. per annum shall be charged and payable on all monthly instalments in arrear.

Mortgage  
as security.

(2) As security for the payment of such loans and of the monthly instalments, the company shall give to the commission a first mortgage on all the land and houses owned by it with respect to which the loan is made, payable within a period not exceeding twenty years from the date of the loan and bearing interest at 5 per cent. per annum.

Condition of  
mortgage.

(3) The terms and conditions and the form of the mortgage shall be on forms approved by the director.

Case of  
payments  
in excess of  
monthly  
instalments.

(4) Where a person pays to a company any amount in excess of the monthly instalments then payable, 85 per cent. of such excess shall be forthwith paid by the company to the commission and shall be applied on the loan made to the company.

Power to  
acquire and  
expropriate  
land.

**22.—**(1) A commission or a company may, with the approval of the director, acquire by purchase or otherwise, or enter on and expropriate land for the purposes of this Act.

Board of  
arbitrators  
to determine  
compensation.

(2) The compensation to be paid for any land expropriated shall be determined by a sole arbitrator or by a board of arbitrators, composed of three persons appointed by the Lieutenant-Governor in Council, and a sole arbitrator shall be deemed a board for the purposes of this section.



(3) The board may determine the compensation to be paid for the land expropriated in a summary manner upon seven days' notice in writing, served upon the owner or other person interested in the land, and on the commission or company expropriating it, and after hearing what is alleged by all parties, and without hearing any other evidence unless the board decides to do so, may forthwith make their award and the award so made shall be final and shall not be subject to appeal. <sup>Procedure governing arbitration.</sup>

(4) The compensation to be paid for the land expropriated shall be the amount which the board determines is its fair market value and nothing shall be allowed by reason of the land being available for the purposes of this Act or for any increase in value by reason of the commission or company contemplating the construction of houses on it or providing better means of access or transportation thereto or by reason of the fact that the land is being expropriated. <sup>Amount of compensation.</sup>

(5) In determining the compensation to be paid, the board shall take into consideration the relative benefit or injury occasioned by the severance of the land of any person. <sup>Case of severance of land.</sup>

(6) The board may, if it thinks proper, retain the services of a valuator for the purpose of assisting it in fixing the amount of the compensation. <sup>Valuator.</sup>

(7) Where a commission or a company desires to use, for the purposes of this Act, any land acquired by gift or purchase, or already owned by the municipal corporation or company, the board shall fix the value of such land. <sup>Value of land acquired by gift or already owned.</sup>

(8) Except as otherwise herein provided, the provisions of *The Municipal Act* as to expropriation and compensation shall *mutatis mutandis* apply. <sup>Rev. Stat., c. 192.</sup>

**23.** No loan shall be made to any person, nor shall any house be sold or rented to any person, nor shall any agreement for sale be assigned to any person, under the provisions of this Act, who is not a British subject. <sup>Sales and loans only to British subjects.</sup>

**24.—**(1) The Lieutenant-Governor in Council, may, from time to time, upon the recommendation of the director, appoint one or more experts or persons having technical or special knowledge to assist the director, and such officers, clerks and servants as the director may require for carrying out the provisions of this Act. <sup>Appointment of officers, etc.</sup>

(2) The salaries, remuneration and travelling expenses of all such experts or persons having technical or special knowledge

ledge and of all officers, clerks and servants, and such other persons as may be deemed necessary for the purposes of this Act, and all expenses incurred in carrying out the provisions of this Act shall be paid out of any money appropriated by the Legislature for that purpose.

Rules and  
regulations.

**25.**—(1) The director may, with the approval of the Lieutenant-Governor in Council, make rules and regulations for the purpose of carrying out the provisions of this Act.

Publication.

(2) The rules and regulations shall be published in the *Ontario Gazette*.

Certain  
by-laws  
confirmed.

**26.** Any by-law heretofore passed by a municipal corporation which is in substantial conformity with the provisions of this Act, is confirmed and declared to be legal, valid and binding.

Form of  
by-law.

**27.** The by-law making this Act apply and appointing a commission may be according to Form "A" to this Act.

When Act  
takes  
effect.

**28.** This Act shall come into force forthwith on the passing of it.

## SCHEDULE "A."

BY-LAW TO BE PASSED BY A MUNICIPAL COUNCIL TO BRING MUNICIPALITY  
UNDER "THE ONTARIO HOUSING ACT, 1919," AND TO APPOINT  
A HOUSING COMMISSION.

*By-law No.*

The Municipal Council of the \_\_\_\_\_ hereby enacts as  
of \_\_\_\_\_ follows:

1. The provisions of *The Ontario Housing Act, 1919*, shall apply to this municipality.

2. The head of the council of this municipality for the time being, and \_\_\_\_\_ and \_\_\_\_\_ are hereby appointed a commission, to be known as "The Housing Commission of the Municipality of the \_\_\_\_\_," for the purpose of carrying out the provisions of the said Act, and such commission shall be a body corporate.

3. The said \_\_\_\_\_ shall hold office for one year and the said \_\_\_\_\_ shall hold office for two years, and thereafter the members of the commission, other than the head of the council, shall hold office for two years.

4. Each appointed member of said commission shall hold office until his successor is appointed.

(If the members of the commission are to be paid a salary, or other remuneration, add a clause providing for same.)

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 1919.

*Mayor (or Reeve).*

*Clerk.*

[Seal of Corporation.]

NOTE.—When passed a certified copy of this by-law should be forwarded to the director.